



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

AK

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/985,832	11/06/2001	Yasuyo Michibata	SAS-0200	4510

7590 06/04/2004

RADER, FISHMAN & GRAUER, PLLC
Suite 501
1233 20th Street, N.W.
Washington, DC 20036

EXAMINER

TORRES, MARCOS L

ART UNIT	PAPER NUMBER
----------	--------------

2683

DATE MAILED: 06/04/2004

JP

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/985,832

Applicant(s)

MICHIBATA, YASUYO

Examiner

Marcos L Torres

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Cellular phone equipped with crime or disaster prevention means.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Regarding claim 1, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

5. The term "small-sized" in claim 9 is a relative term which renders the claim indefinite. The term "small-sized" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2683

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-2, 4, 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Boling (6,044,257).

As to claim 1, Boling discloses a mobile phone equipped with crime or disaster prevention means, comprising an extra push button for telephoning emergency call organization at a predetermined position on its body, the extra push button having a safety lock for preventing inadvertent depression; a GPS function installed therein for informing the instantaneous location of telephone (see fig.1, fig. 3; col. 3, line 49 – col. 8 line 8).

As to claim 2, Boling discloses a cellular phone wherein it further comprises a sounding function responsive to depression of the extra push button for producing a patrol, an ambulance siren or an utterance calling for help (see col. 6, lines 40-49).

As to claim 4, Boling discloses a cellular phone wherein it further comprises a light flickering means equipped therewith (see col. 6, lines 50-59).

As to claim 6, Boling discloses a cellular phone wherein it further comprises a transmitter section for automatically informing police or fire stations of the on-the-spot suffering situation or sufferings (see col. 6, line 61 – col. 7, line 12).

As to claim 8, Boling discloses a cellular phone wherein it further comprises a means for telephoning selected rescue centers in addition to the police, fire stations or security companies by using the GPS function for informing them of the instantaneous location of the telephone (see col. 7, lines 53-65).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boling in view of Pike.

As to claims 7 and 9, Boling discloses a cellular phone wherein it further comprises a small transmitter being designed so as to facilitate carrying the same with his or her body all the time, and so as to send signals to the cellular phone to make the extra push button work (see col. 3, lines 49-64). Boling does not specifically disclose a separate small transmitter as attachment. Pike discloses a separate small transmitter as attachment (see col. 8, lines 4-10). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine both teachings for easier activation and monitoring.

11. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boling in viw of Jan.

As to claim 3, Boling discloses everything claimed as explained above except for a cellular phone wherein it further comprises a dog-sensitive ultrasonic wave transmitter equipped therewith. Jan discloses a portable security device wherein it further comprises a dog-sensitive ultrasonic wave transmitter equipped therewith (see abstract). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine both references for enhanced security.

12. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boling in view of Shaffer.

As to claim 5, Boling discloses everything claimed as explained above except for a cellular phone wherein it further comprises an automatic recording function for recording on-the-spot suffering situation or sufferings in the form of sound. Shaffer discloses a wireless phone wherein it further comprises an automatic recording function for recording on-the-spot suffering situation or sufferings in the form of sound (see col. 3, line 65 – col. 5, line 42). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add this teaching to the Boling system for assuring delivery of audio information.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Boling U.S. Patent US006226510B1

- b. Bertolet U.S. Patent 5694452
- c. Neher U.S. Patent US005905461A
- d. Pazdersky U.S. Patent US006546239B1
- e. Taylor U.S. Patent US006535127B1
- f. Greene U.S. Patent US006185410B1
- g. Yonkers U.S. Patent US005144323A
- h. Fast U.S. Patent US005497149A
- i. Simms U.S. Patent US005334974A
- j. Simkin U.S. Patent 5712619

Any response to this Office Action should be mailed to:

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(703) 703-872-9306

For formal communication intended for entry, informal communication or draft communication; in the case of informal or draft communication, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Crystal Park II
2121 Crystal Drive
Arlington, VA
Sixth Floor (Receptionist)


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L Torres whose telephone number is 703-305-1478. The examiner can normally be reached on 8:00am-5:30pm alt. friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William G Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marcos L Torres
Examiner
Art Unit 2683

Mlt



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600